

COMPLAINT

(for filers who are prisoners without lawyers)

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

2020 MAR 31 P 2:21

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

CLERK OF COURT

(Full name of plaintiff(s))

Angelica Belen,

Wilfredo J. Belen Jr.

v.

Case Number:

20-C-0519

(to be supplied by Clerk of Court)

Todd Brunner,

Guardian Investment Realty

Joe Sexton, Tri City National Bank

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

Taycheedah Correctional Institution 751 County Rd K Fond du Lac, WI
54937
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Todd Brunner
(Name)

is (if a person or private corporation) a citizen of _____

Additional Plaintiffs

Wilfredo J. Belen Jr. is the minor son of Angelica Belen

Additional Defendants

Guardian Investment Realty is a citizen of Wisconsin and is located at 9205 West Center Street Milwaukee, Wisconsin 53222

Joe Sexton is a citizen of Wisconsin and worked for Guardian Investment Realty

Tri City National Bank is a citizen of Wisconsin and is located at 6400 South 27th Street Oak Creek, Wisconsin 53154

B. STATEMENT OF CLAIM

1) I, Angelica Belen, and on behalf of my minor son Wilfredo J. Belen Jr. allege that our rights under the 14th Amendment of the United States Constitution were violated by defendants Todd A. Brunner, Guardian Investment Realty, Joe Sexton of Guardian Investment Realty, and Tri City National Bank. These defendants showed deliberate indifference by negligent upkeep of a rental home we occupied which caught fire causing the wrongful deaths of 3 of my children, which were the siblings of Wilfredo Jr.

2) On July 18, 2012 I, Angelica Belen along with my minor children Nayeli C. Colon, Adrian C. Colon, Alexis J. Colon, and Wilfredo J. Belen Jr. moved into a single family home located at 7750 West Hicks Street West Allis, Wisconsin 53219. The home was owned by Todd A. Brunner at that time. I rented the home from Guardian Investment Realty through an employee, Joe Sexton who maintained the property at that time. I was unaware of any repair issues in the home at the time I moved in, and Mr. Sexton did not state if there were any.

3) In October of 2012 I, Angelica Belen, contacted WE energies to find out why I was not receiving a monthly paper energy statement for the above address. I was informed at that time that the property was receiving illegal electrical services, and had been since some time prior to my occupancy. WE energies sent a technician to install a new electrical meter to replace the one that had been tampered with.

Guardian Investment Realty, and Joe Sexton as the property management company and maintenance man should have known that the electrical meter had been tampered with prior to my occupancy by conducting standard property walk throughs for inspection of the home. Guardian Investment Realty and Joe Sexton either neglected to properly inspect the home or deliberately ignored the tampered meter.

4) On October 24th 2012 violations of the Exterior Property Maintenance Code of the City of West Allis were fixed by Guardian Investment Realty. These violations dated

back to June 14, 2011. Todd A. Brunner was sent notices by the City of West Allis on 3 separate occasions (Exhibit A). Mr. Brunner made no attempts to correct the violations until Guardian Investment Realty made the necessary repairs nearly a year-and-a-half later. I was never aware that any such violations existed until I sent a letter to the city assessors office on February 9th, 2020, and received a response dated February 28th, 2020 from the City of West Allis (Exhibit A Page 1)

5) In early 2013 the property underwent a foreclosure, and Tri City National Bank owned the property afterwards. A representative of Tri City National Bank conducted a complete walk through inspection of all areas of the premises in February of 2013. Joe Sexton was present during this inspection. Neither the bank representative nor Mr. Sexton expressed any concerns about the condition of the home or if there were any repair problems at that time, to me.

6) I, Angelica Belen never entered the basement prior to or during my occupancy at any time. I have no knowledge of electrical, plumbing, or construction methods, standards, or codes, so I would not have known what hazardous conditions look like. I was not an experienced enough renter to know what to look for. I trusted the defendant's professionalism, and expertise.

7) On April 11, 2013 a fire broke out in the home claiming the lives of 3 of my children Nayeli C. Colon, Adrian C. Colon, And Alexis J. Colon. The fire was later determined to be electrical and caused by "A long term, high resistance connection inside the west wall workbox" which "was a competent ignition source for the adjacent wood stud and a possible ignition source for the combustible coating on the wood lathe and plaster wall." as stated in a report by Senior Electrical Engineer of the Milwaukee I Field Office of the Bureau of Alcohol, Tobacco, Firearms and Explosives, Michael Keller. The report states numerous hazards existed related to electrical wiring, which I cannot elaborate on as I'm not an electrician

but can be found in the report (see Exhibit B Memorandum to FRL Laboratory number 13F0047J- Sub 1 reference IN: 778020-13-0002). The observations of the Senior Electrical Engineer Michael Keller were also noted in a narrative written by BC Christoph C. Reinke badge number 1633 of the West Allis Fire Department. BC Reinke states in his report "...the electrical panel which had no cover and an outlet that had the 2 wire plugged into the socket..." "the basement had romex and bx cable hanging throughout" (exhibit C West Allis Fire Department Incident Report 2013-1302208-000 Narrative: C11 BC Reinke page 15-16 paragraph 5)

8) The Defendants Todd A. Brunner, Guardian Investment Realty, Joe Sexton, and Tri City National Bank Knew the hazardous conditions existed, Knew the potential fire risk, and had known for some time, and yet failed to ever warn me, for no reason allowed the hazards to remain unrepairs, disregarding my safety and that of my 4 children. The deliberate indifference they demonstrated caused the fire which caused the wrongful deaths of Nayeli who was 5, and Adrian, and Alexis who were 4. If the defendants had not shown such deliberate indifference to our safety I would not have lost my children and Wilfredo Jr. would not have lost his siblings

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$ _____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I, Angelica Belen, and on behalf of my minor son
Wilfredo J. Belen Jr. request compensatory and punitive
damages in a money amount the court sees fit
given the loss of the lives of my 3 young children
and the permanent impact it has had and will
continue to have on the life of Wilfredo Jr. from each
defendant. I also request that any expenses
related to mental health difficulties my son
Wilfredo Jr. may incur in the future be reimbursed
by each defendant.

E. JURY DEMAND

I want a jury to hear my case.

- YES - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 21st day of March 2020.

Respectfully Submitted,

cdmgelica Belen

Signature of Plaintiff

607515

Plaintiff's Prisoner ID Number

Taycheedah Correctional Institution

PO Box 3100 Fond du Lac, WI 54936

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.